

S/N: 09/998,113

Atty Dkt No. SHEL 0102 PUS

necked down outlet opening adapted for attachment to the inlet of an elongated tubular member in communication with the fuel tank, the positioning of the nozzle in combination with the offset axial relation inducing a swirl to the fuel being supplied to the motor vehicle fuel tank.

Please add the following new claim:

27
33. (New) The filler neck of claim 1 wherein the filler neck is made by hydroforming.

Remarks

Reconsideration of the above-identified application in view of the present Amendment is respectfully requested.

Claims 1-32 are pending in the present application. Claims 27-31 are allowed. Claim 32 is rejected under 35 U.S.C. 103(a). Claims 1-26 are rejected under non-statutory double patenting. Claim 32 is cancelled.

Applicants have already discussed the patentability of amended claim 1 and claims 2 -26 in his January 15, 2003 Amendment. Applicant respectfully refers the Examiner to that document.

New claim 33 provides a filler neck that is made by hydroforming. The antecedent basis for this new claim is found on p. 8, l. 28 through p.9., l. 1 of the Specification.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicant believes that all formal and

S/N: 09/998,113

Atty Dkt No. SHEL 0102 PUS

substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Applicant believes that no additional fees are required as a result of the filing of this paper. However, the Examiner is authorized to charge any additional fees or credits as a result of the filing of this paper to our Deposit Account No. 02-3978 as authorized by the original transmittal letter in this case. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Respectfully submitted,

Patrick R. O'Connell

By James Proscia
James W. Proscia
Reg. No. 47,010
Attorney/Agent for Applicant

Date: February 25, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

Attachment

B

S/N: 09/998,113

Atty Dkt No. SHEL 0102 PUS

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. A filler neck for receiving a fuel supply nozzle for a motor vehicle fuel tank comprising:

a one-piece [stainless steel] seamless funnel member having a tubular body defining in off-set axial relation to each other a relatively large inlet opening adapted for attachment to a receptor for positioning the nozzle with respect to the large inlet opening and a relatively small necked down outlet opening adapted for attachment to the inlet of an elongated tubular member in communication with the fuel tank, the positioning of the nozzle in combination with the off-set axial relation inducing a [sufficient] swirl to the fuel being supplied to the motor vehicle fuel tank [so as to create a sufficient vacuum to prevent fuel vapors from escaping into the atmosphere].